

IV. REMARKS

1. Claims 1-12 remain in the application. Claims 1, 6, 7, and 11 have been amended. The amendments to the claims are not limiting, are not made for reasons related to patentability, and do not raise issues of estoppel.

2. Applicants appreciate the courtesies extended by the Examiner and Supervisor during the telephone conversation of 7 December 2005. It is Applicants' understanding that the finality of the Office Action mailed 18 October 2005 will be withdrawn.

3. Applicants respectfully submit that claims 1-5 are not anticipated by Mahmoodi et al. (US 5,164,906, "Mahmoodi") under 35 USC 102(b).

Mahmoodi fails to disclose or suggest a module that includes information on the distance between a position of the sensor and at least one edge of the module, as recited by claim 1.

Mahmoodi also fails to disclose or suggest a communication system where the module senses objects being transported and communicates information related to events, velocity, and distance to another module, also as recited in claim 1.

Each module in inserter 10 of Mahmoodi has a microprocessor that communicates with microprocessors in adjacent modules. However, there is no disclosure related to the module having information on the distance between a sensor position and an edge of the module. The only sensor related disclosure in Mahmoodi is found in column 4, line 54 and column 5, line 7, describing document

position sensors. There is nothing related to information on the distance between a sensor position and an edge of the module.

While each module in Mahmoodi has a microprocessor that communicates with microprocessors in adjacent modules, there is no disclosure related to a module sensing objects being transported and communicating information related to events, velocity, and distance to another module.

Applicants further submit that these features are not even inherent in Mahmoodi because they are not necessarily present in Mahmoodi.

The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish inherency. ... To establish inherency, the extrinsic evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference.... (MPEP 2112 quoting *In re Rijckaert*, 9 F.3d 1531, 1534, (Fed. Cir. 1993), and *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990), emphasis in originals).

Applicants respectfully submit that because these features are not disclosed and not necessarily part of Mahmoodi, that these features of claim 1 are not inherent in Mahmoodi.

At least for these reasons, independent claim 1 and dependent claims 2-5 are not anticipated by Mahmoodi.

4. Applicants respectfully submit that claims 6-12 are patentable over the combination of Mahmoodi and Davies et al. (US 5,956,051, "Davies) under 35 USC 103(a).

The combination of Mahmoodi and Davies fails to disclose or suggest memory within each module that stores the distance between the sensors and at least one of the upstream and downstream ends of the module, as recited by claim 6.

The combination of Mahmoodi and Davies also fails to disclose or suggest that the second module includes a processor system with memory for storing a table of data on each module including combinations of different modules.

There is also no disclosure related to the host module including information pertaining to each module within the machine to identify to the host bus module additions and removals of modules from a franking machine.


As mentioned above, Mahmoodi only discloses that each module has a microprocessor that communicates with microprocessors in adjacent modules. There are no further details as to what information is communicated and no disclosure, either explicit or inherent, related to: 1) a module having memory that stores the distance between the sensors and at least one of the upstream and downstream ends of the module; 2) memory for storing a table of data on each module including combinations of different modules; or 3) a host bus module that includes information pertaining to each module within the machine, to identify additions and removals of modules.

At least for these reasons, Applicants submit that the combination of Mahmoodi and Davies does not render independent claim 6, and dependent claims 7-12 unpatentable.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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15 December 2005
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